THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2313 OF 2006

DATED: 23-01-2007

BETWEEN

Chakrapani, S/o. Venkatesham,
Occ: Retired Government Servant,
R/o. Karan Bagh, Saidabad, Hyderabad.

...PETITIONER

AND

The Station House Officer,
IV Town Police Station,
Nizamabad District.

...RESPONDENT

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to direct the respondent to investigate the complaint referred and numbered as Crime No.2 of 2005 dated 13-01-2005 of Police Station Town IV, Nizamabad and to file charge sheet or report.

2. Counter has been filed stating that pursuant to the reference of the case by learned Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 for enquiry and report, the Sub-Inspector of Police registered a case in Cr.No.2 of 2005 under Section 447, 448 and 506 of the Indian Penal Code, 1860 on 13.01.2005 and took up investigation. After investigation it was found that the witnesses did not support the case of the complainant/petitioner and also did not say anything about the offence with which the accused were charged and did not corroborate the facts of the FIR. After completion of the investigation, the Investigation Officer obtained

permission of the superior officers to treat the complaint of the petitioner as false.

A notice was also served on the petitioner before filing the final report before the Court and the same was also acknowledged by the petitioner on 08.06.2005. Final report was also filed before the Court of Additional Judicial Magistrate of First Class, Nizamabad on 17.08.2005 (CFR.No.8591).

3. As the final report has been filed, I am of the opinion that if the petitioner is aggrieved by the same, it is open to him to file a protest application and contest the same. However, as the investigation is already over, no relief can be granted to the petitioner in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

January 23, 2007
DSK